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HOUSE BILL 3049 By
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SENATE BILL 3122
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AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 16, relative to the accommodation of underground fiber optic cable lines and related facilities within the rights-of-way of controlled-access highways on the state highway system and/or the federal interstate highway system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 16, is amended by adding the following language as a new, appropriately designated section:

54-16-____. Underground Fiber Optic Cable Facilities. -- (a) The state department of transportation may permit the longitudinal installation of underground fiber optic cable lines and related facilities within the rights-of-way of controlled-access highways on the state highway system and/or federal interstate highway system, subject to reasonable and appropriate regulations to protect the public safety and welfare. Notwithstanding any other provision of law to the contrary, the department of transportation shall have the authority to require the payment of fair and reasonable compensation for the use of such rights-of-way. This compensation shall be in addition to any administrative fees or charges the department of transportation may require for the issuance of a permit. The department of transportation may receive this

compensation in the form of money, or in the form of telecommunications facilities and services for the use of the department in operating the highway system, or in some combination thereof, as the department may determine.

(b) The commissioner of the department of transportation shall have the authority to promulgate and enforce rules and regulations to carry out the provisions of this section. Nothing in this section or in any other provision of state law shall be construed to require the department of transportation to accommodate or permit any utilities within the rights-of-way of controlled-access highways, except as provided in this section or as the department of transportation may provide in its rules and regulations for accommodating utilities within highway rights-of-way.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.